

Remarks/Arguments

This communication is in response to the office action mailed 06/25/2003.

Claims 1-11 and 15-29 are pending in this application. Claims 10-11, 17, 24, 25
5 and 29 are currently amended.

Objections to the Amendment under 35 U.S.C. 132.

The amendment filed 24 April 2003 is objected to by the Examiner under 35
U.S.C. 132 on the grounds that it introduces new matter. In particular, the Examiner
expressed an inability to find support in the original disclosure for material within new
10 claims 21, 22 and 29. The Applicants traverse this objection and provide the following
references to the specification as filed in support of the material of claims 21, 22 and 29.
These references are examples of supporting material, among others that may be found
within the specification.

With reference to claim 21:

15 An integrated system for the real time administration of an organization (See
Title, page 8 line 20, and Abstract)
a plurality of networked computers, (See page 2 line 11, page 4 line 7, page 5 line
25, and page 8 lines 20-22)
at least a first of said networked computers comprising an activity processor, (See
20 page 13 line 12) said activity processor configured to execute one or more
of a plurality of functions (See page 13 line 27) using said data, said
functions relevant to administration of said organization (See page 13 lines
23-24 and page 14 lines 6-8), and

at least a second of said networked computers comprising an activity scheduler
(See page 13 line 11), said activity scheduler configured to schedule
execution of the one or more of a plurality of functions (See page 13 lines
11-12, lines 16-20 and 24-25) using the first of said networked computers
5 (See page 13 lines 24-27), a first member of the plurality of functions
being scheduled for immediate execution and a second member of the
plurality of functions being scheduled for execution responsive to a queue
(See page 13 lines 22-26, and page 18 lines 5-10);
at least one file server operatively connected to said networked computers, said
10 file server configured to store data (See page 8 line 21, FIG. 1 element 20,
and page 15 lines 9-12);
a manual entry mechanism configured for entering data relative to any of said
plurality of functions (See page 4 line 14-15, page 9 lines 5-6 and lines 11-
13, and page 10 lines 11-19);
15 a data receiving and verifying system configured to receive and verify data from
any of said networked computers (See page 15 lines 9-14).

With reference to claim 22:

The system of claim 21, wherein the first member of the plurality of functions is a
critical insurance function and the second member of the plurality of functions
20 is a non-critical insurance function (See page 13, lines 22-24, and page 18
lines 5-10).

With reference to claim 29:

A system for administering an organization comprising:

a plurality of networked computers (See page 2 line 11, page 4 line 7, page 5 line 25, and page 8 lines 20-22), at least one member of said plurality of networked computers including an activity processor (See page 13 lines 12-13), at least one member of said plurality of networked computers including an activity scheduler (See page 13 lines 11-12), and at least one member of said plurality of networked computer including a file server (See page 8 line 21, FIG. 1 element 20, and page 15 lines 9-12), said plurality of networked computers having,

input means for inputting data (See FIG 1 “communications”

element, page 9 lines 5-6, and page 15 lines 9-10),

data storage means for storing data (See page 8 line 21, and FIG. 1 element 20),

display means for displaying said data (See page 9 lines 5-9, and page 11 lines 26-27),

manual entry means for defining administrative functions of said organization (See page 4 line 14-15, page 9 lines 5-6 and lines 11-13, and page 10 lines 11-19),

means for real time performance of a plurality of functions relevant to said administrative functions of said organization (See

claim 17, page 8 lines 21-22, page 13 lines 18-24), and

data receiving and verifying means for receiving and verifying data from any of said computers against said manual entry means and said at least one file server against said defined

administrative function (page 15 lines 9-15, and page 17
lines 6-12);

means responsive to said entered data and received data for real time updating of
said data relative to said defined administrative functions when desired

5 (See page 13 line 20, page 15 lines 9-16);

means for predefining via said activity scheduler relative to said entered data that
selected first types of entered data are to be processed by said activity
processor in real time and that selected second types of said entered data
are to be queued for processing at another time (See claim 17, page 13 line
10 14 through page 14 line 10, page 18 lines 5-10);

menu driven means for defining a product in response to menu selections made by
a user (See page 9 lines 10-26); and

menu driven means for receiving a request into said network by displaying via
said display means screens, that vary depending upon said request.

15 It is for these reasons that Applicants believe that the limitations of claim 21, 22
and 29 do not include new matter and, rather, are supported by the specification as filed
as noted above, and at other places. The Applicants, therefore, respectively request that
the Examiner withdraw the Examiner's objection under 35 U.S.C. 132.

Claim Objections

20 Regarding claim 24, the Applicants do not believe that this claim is grammatically
incorrect. However, the claim is currently amended to further clarify its scope and
grammar.

Regarding claim 25, the Applicants acknowledge the grammatical error and thank the Examiner for bringing it to our attention. The claim had been amended accordingly.

Regarding claim 29, the Applicants acknowledge the grammatical error and thank the Examiner for bringing it to our attention. The claim had been amended accordingly.

5 Claim Rejections – 35 U.S.C. § 112

Regarding claim 24, Applicants respectively traverse the Examiner's statement that "global data" requires antecedent basis as used on line 2 of the claim. Global data is being introduced into the claim for the first time at this point and, being a plural noun, does not require an "a" before its reference.

10 Claim Rejections – 35 USC § 103

The Applicants traverse the rejection of claims 1-11, and 15-29 under 35 U.S.C. §103(a).

Claim 1:

15 The Examiner has not made a *prima facie* case for obviousness vis-a-vis at least the following limitations of claim 1: "an activity processor," "an activity scheduler," "means for predefining via said activity scheduler relative to said entered data that selected first types of entered data are to be processed by said activity processor in real time and that selected second types of said entered data are to be queued for processing at another time," and "menu driven means for defining a product in response to menu
20 selections made by a user," (see page 19 in the specification as filed). The Applicants request that a *prima facie* case be made or that the claim be allowed.

The claimed activity scheduler, the activity processor and the interactions between the activity scheduler and the activity processor are distinguished from the prior art even when viewed in combination.

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The First Office Action of November 6, 2002 (Paper 11), did not include a discussion of these limitations despite their inclusion in four of the original independent claims. This omission was pointed out by the Applicants in response to the First Office Action, for example, on pages 14 and 15 of Amendment A (filed April 7, 2003).

5 While the activity scheduler, activity processor and aspects of their relationship are discussed in the Final Office Action of June 25, 2003 (Paper 15), they are discussed therein for the first time. It is improper for an office action to address limitations of original claims for the first time and to be made final. The Applicants must be given an opportunity to respond to the Examiner's arguments. On this basis the Applicants request
10 that the finality of the June 25, 2003 office action be withdrawn.

In the Final Office Action, section 15.A, the Examiner states that "the teaching that Applicant argues are missing from the Dworkin reference are clearly disclosed in the respective teachings of Bosco, when considered collectively with that of Dworkin, as discussed in detail with the prior Office Action..." (page 19, lines 2-4, underlining in
15 original). However, the Applicants have not been able to find any reference in the First Office Action (or the cited art) to the activity scheduler, activity processor and claimed aspects of their relationship, much less a detailed discussion. The Applicants request that the Examiner specifically cite the discussion of these claim limitations in the First Office Action and withdraw the finality of the current office action.

20 The activity processor, the activity scheduler and their relationships are discussed, for the first time by the Examiner, on page 25 line 7 of the Final Office Action (there is a mention but no significant discussion starting on page 23). In this new discussion, three new points are raised by the Examiner in support of the 103(a) rejection: 1) that the

Applicants are attempting to read limitations from the specification into the claims, 2) that the limitations are fully anticipated by Dworkin alone, and 3) that a *prima facie* case for the limitation “means for predefining...” has already been made. All three of these points are new and are traversed by the Applicants. The finality of the Final Office

5 Action is improper based on the introduction of new points by the Examiner.

In regard to the Examiner’s first point, the Applicants concur that limitations from the specification are not to be read into the claims. Thus, when a claim limitation has alternative or optional characteristics described in the specification, these alternatives or characteristics are not individually to be read into a claim. However, meanings of terms
10 or limitations within the claims may be defined by the specification. In the current application, for example, the “activity scheduler” is consistently described as being configured for scheduling processes to be executed on an activity processor. Thus, this characteristic is inherent to the activity scheduler, and pointing out this characteristic to distinguish a claim from prior art does not constitute reading the limitation from the
15 specification.

In regard to the Examiner’s second point, the Examiner takes a position that the activity processor and activity scheduler are anticipated by the central computer of Dworkin. However, claim 1 includes “a plurality of networked computers; at least one of said computers comprising an activity processor; at least one of said computers
20 comprising an activity scheduler; at least one file server operatively connected to said networked computers;...” No motivation is provided by the Examiner for dividing the central computer of Dworkin into the separate computers of claim 1. The system of

Dworkin, being a central computer system teaches away from the separate computers claimed.

Further regarding the Examiner's second point, Claim 1 recites a minimum of a plurality of networked computers (including activity processor and activity scheduler) plus a file server. These are at least three distinct objects. The Examiner has already suggested (paper number 11 page 8, 2nd paragraph) that the central computer of Dworkin is equivalent to the claimed file server. In order for the file server to be separate from the claimed activity scheduler and activity processor, all three objects cannot be completely embodied within a single central computer as suggested by the Examiner. The claimed structure includes more objects than can be found in Dworkin. No motivation is provided by the Examiner for dividing the central computer of Dworkin into a plurality of objects as claimed.

Regarding the Examiner's third point (Final Office Action page 26 line 7), the Applicants respectively mention that claim 1 recites "means for predefining via said activity scheduler relative to said entered data that selected first types of entered data are to be processed by said activity processor in real time and that selected second types of said entered data are to be queued for processing at another time," (underlining added). As explained above, the Examiner has yet to properly state a case of obviousness or anticipation for the activity scheduler, activity processor, or their relationship. Further, the Applicants point out that such a case must be made before an obviousness objection can be made for a claim limitation that recites limitations relating to the relationship between the activity scheduler and activity processor.

It is the Applicants' position that since the First Office Action did not address these claim limitations, all arguments regarding these limitations are new, and it is, therefore, improper to make the office action of June 25, 2003 a Final Office Action. The Applicants, therefore, request that the finality of the office action be withdrawn, the
5 claims be considered in their entirety, and the claims be allowed.

Elements of claim 1 are non-obvious

In several instances within the Final Office Action, e.g., the bottom of page 18, the Examiner correctly states that one cannot show non-obviousness by attacking
10 references individually where the rejections are based on combinations of references. However, the Examiner must first make a *prima facie* case of non-obviousness. For example, in the discussion on page 18 of the Final Office Action, the Examiner uses the above argument in response to Applicants' pointing out that the Activity Processor and Activity Scheduler limitations are not disclosed in either cited reference. The Applicants
15 are not pointing out that these limitations are absent from each reference individually solely to overcome an obviousness argument. Rather, the Applicants are noting their absence primarily in order to point out that the Examiner must make a *prima facie* case of obviousness, relating to each claim limitation, to support the Examiner's rejection. It is not legitimate to suggest obviousness with regard to a selected set of elements within a
20 claim and then reject the entire claim as being non-patentable under 103(a). Because the above, and several other limitations, were not mentioned in the First Office Action, it is the position of the Applicants that the requirements of a *prima facie* case of obviousness have not been met.

Motivations to combine the teachings of Dworkin and Bosco are absent

In making a 103(a) rejection of claim 1, the Examiner expresses two motivations to combine Dworkin and Bosco. These stated motivations are “a motivation of serving users efficiently” and the suggestion in Dworkin that his procedure may be used for other products and services (Dworkin col. 5 lines 28-34, and col. 10 lines 22-25).

5 With regard to “a motivation of serving users efficiently,” the Applicants argue that this motivation is too vague to support the 103(a) rejections made in the First Office Action or the Final Office Action. Efficiency is a general goal in the arts of computer science and thus would apply to almost any combination of cited art. If a motivation of efficiency were indeed a valid motivation in the present case, then the motivation
10 requirement for a *prima facie* case under 103(a) would be meaningless. Rather the motivation requirement of 103(a) requires a motivation to combine specific elements of the cited prior art to produce an equivalent of a specific element or limitation of a claim.

 For example, on page 8 of the First Office Action it is conceded by the Examiner that “Dworkin and Bosco fail to expressly disclose a means for pre-defining certain types
15 of data for either immediate or subsequent processing”. It is the Applicants’ position that to make these claim elements obvious a proper 103(a) rejection would require motivation for predefining relative to either immediate or subsequent processing, and motivation for pre-defining certain data types, etc.

 The suggestion in Dworkin that his procedure may be used for other products and
20 services does nothing more than suggest that his procedure could be used for other products and services. This is a motivation for using a defined procedure in a different application. However, it does not provide motivation to modify the system of Dworkin. Firstly, because it is a motivation for using a procedure, not changing a system. And,

secondly, because, it suggests that the *same* procedure be used, not a modified procedure.

In fact, it teaches that, where another product or service is concerned, the procedures

could be used without modification, thus teaching away from modification of the

procedures or underlying system. The suggestion in Dworkin that his procedure may be

5 used for other products and services does not provide the motivational basis for a 103(a) rejection of any of the pending claims. Rather, it supports argument against combination of Dworkin with art that would change structure or procedural aspects of Dworkin.

Defining a product is distinguished from defining search criteria for a product.

10 Claim 1 line 22 recites “menu driven means for defining a product in response to menu selections made by a user.” It is the Applicants’ position that “defining a product” encompasses determining something that may be either new or previously existing. For example, when a user defines (profiles) a product that was not previously existing, the user has defined a *new* product. In the Final Office Action, the Examiner cites teachings
15 of Dworkin (col. 5 lines 55-68 and col. 6 lines 10-15) involving entering a set of product specifications in order to accomplish a search for a product (lines 10-15) and states that these teachings read on “defining a product.” It is the Applicants’ position that defining a product is different than searching for a product or defining a query to search for a product. For example, search specifications cannot generate a new product. In the
20 process of Dworkin, the user enters search specifications to select an existing product. It is further the Applicants’ position that the phrase “defining a product” adequately conveys these differences.

Claim 2:

Claim 2 is dependent on claim 1 and, therefore, the arguments above also apply to claim 2 and are incorporated herein by reference. The Applicants, therefore, believe that claim 2 is in condition for allowance.

5 In the remarks associated with Amendment A, the Applicants stated that it “is not clear as to how the portion of Dworkin cited by the Examiner (col. 5, line 55 to col. 6, line 68) teaches ‘means for modifying the operation of said system to globally conform to the answers to said questions’ as recited in claim 2.” (Amendment A, bottom of page 17) This is still unclear and further clarification is requested. Specifically, how is “modifying the *operation* of said system to *globally* conform” accomplished in Dworkin? In the
10 central computing mainframe/terminal architecture of Dworkin how are the terminal’s operation conformed globally to the answers?

Claim 2 is discussed on page 31 of the Final Office Action. This discussion does not narrow the broad reference to “(col. 5, line 55 to col. 6, line 68)” and does not clarify how Dworkin’s system *operation* is *globally* conforming. The Applicants again request
15 specific citation of globally conforming operation in Dworkin.

Claims 3-7:

Claims 3-7 are dependent on claims 1 and 2. The above arguments, therefore also apply to claims 3-7 and are incorporated herein by reference. The Applicants, therefore, believe that claims 3-7 are in condition for allowance..

20 In addition to the above arguments, the Applicants point out that claims 3-7 recite “means defining four levels.” Examiner first discussed the limitation of “four levels” on pages 8-9 of the First Office Action and then again on page 33 of the Final Office Action. In both cases, the limitation of “four levels,” was equated with “four basic functions” by the Examiner. The Applicants traverse this equivalence. A “level” is a relative position

or rank on a scale, a position in a hierarchical structure, or the like. See, for example, FIGs. 2A, 2B, 2C and the related discussion in the specification as filed. In contrast, a function, as used in the references cited by the Examiner, is merely a set sequence of steps such as part of larger computer program lacking any inherent relative position.

5 These are not equivalent terms and, thus, the cited art does not read on the claim.

Claim 8:

The Applicants' arguments made above with respect to claim 1 apply as well to claim 8, and are incorporated herein by reference. The Applicants, therefore, believe that claim 8 is in condition for allowance.

10 Claim 9:

The Applicants' arguments made above with respect to claim 1 apply as well to claim 9, and are incorporated herein by reference. The Applicants, therefore, believe that claim 9 is in condition for allowance.

Claims 10 and 11:

15 The Applicants' arguments made above with respect to claim 1 apply as well to claim 9, and are incorporated herein by reference. However, in order to address the Examiner's concerns, claims 10 and 11 have been amended. These claims, as amended, recite that the defined product is a new product. As definition of a product new to the system (or perhaps to a user) are not suggested in the cited prior art, the Applicants
20 believe that these claims are now in condition for allowance. Modifications of this sort were suggested by the Examiner on page 29 of the Final Office Action and the Applicants thank the Examiner for the suggestion.

Claim 15:

25 Claim 15 is dependent on claim 11 and, therefore, is believed to be in condition for allowance for the same reasons as discussed above in regard to claim 11.

Claim 17:

The Applicants' arguments made above with respect to claim 1 apply as well to claim 17, and are incorporated herein by reference. The Applicants, therefore, believe that claim 17 is in condition for allowance.

5 In addition, on page 37 of the Final Office Action, the Examiner states "The examiner has specifically given in the present Office Action and in the previous Office Action (paper number 11) with regards to the limitations of claim 17, evidence in the form of recitations of specific portions..." However, the Applicants are not able to find such recitations with regard to ALL of the limitations of claim 17. See for example, the
10 limitations included on lines 2-15. These limitations include the activity scheduler, activity processor, and characteristics of each of the plurality of networked computers. The Applicants are unable to find specific evidence, provided by the Examiner, in the form of recitations of specific portions of the cited art for, for example, "the activity processor ... activity scheduler..., where each computer has... data storage means...
15 means for real time performance of a plurality of functions... means for receiving...data from any of said computers..." The Applicants respectfully request that the Examiner address each element and limitation of claim 17 or allow claim 17.

 Claim 17 is presently amended to correct word order, grammatical and punctuation errors. The corrections to word order are intended to more correctly indicate
20 the scope of the claim.

Claim 18.

Claim 18 is dependent on claim 17 and, therefore, is believed to be in condition for allowance for the same reasons as discussed above in regard to claim 17.

Claim 19:

Claim 19 is dependent on claim 17 and, therefore, is believed to be in condition for allowance for the same reasons as discussed above in regard to claim 17.

Claim 20:

The Applicants' arguments made above with respect to claim 1 apply as well to
5 claim 20, and are incorporated herein by reference. The Applicants, therefore, believe that claim 20 is in condition for allowance.

In addition, claim 20 recites limitations related to distributed computing. It is the Applicants' position that the central computer architecture of Dworkin teaches away from distributed computing.

10 The Applicants previously pointed out, in Amendment A page 20, that the Examiner had rejected claim 20 without addressing all of the claim limitations. The Applicants thank the Examiner for her response. However, two points were made in Amendment A. The first concerned "means for menu-driven creation of user-defined parameters for selected administrative functions" and the second concerned "distributed
15 performance of data reconciliation functions throughout said plurality of interconnected computers." The Examiner's response on pages 37-38 of the Final Office Action does not address this second point. The Applicants believe that the response is incomplete without addressing this limitation and repeats their argument that distributed processing is not taught in the prior art either singly or in combination. (The Examiner is also
20 referred to the discussion below of claim 28.) On this basis, the Applicants request that the claim be allowed or the finality of the office action be removed.

Claims 21 and 29:

The Applicants arguments made above with respect to claim 1 apply as well to claims 21 and 29, and are incorporated herein by reference. The Applicants, therefore, believe that claims 21 and 29 are in condition for allowance.

5 In the Final Office Action, the Examiner rejected newly presented claims 21 and 29, (and associated dependent claims 22-23) without discussion of the activity scheduler, the activity processor or aspects of their relationship (See Sections 14.A-14.H of the Final Office Action). A rejection without consideration of these, and other limitations, of the claim is improper. The Applicants request, on these grounds, that the finality of the office action be withdrawn or that these claims be allowed.

10 In the Final Office Action, the Examiner states that “features upon which Applicant relies (i.e., an activity processor configured to process activities responsive to an activity scheduler, the activity scheduler... schedules...activities to be processed by a workstation, an activity scheduler configured for predefining data in relation to processing time) are not recited in the rejected claim(s).” The Applicants point out that
15 this is factually incorrect and the Examiner is referred to lines 4-14 of claim 21, which include:

20 “at least a first of said networked computers comprising an activity processor, said activity processor configured to execute one or more of *a plurality of functions using said data, said functions relevant to administration* of said organization, and at least a second of said networked computers comprising an activity scheduler, *said activity scheduler configured to schedule execution of the one or more of a plurality of functions using the first of said networked computers, a first member of the plurality of functions being scheduled for immediate execution and a second member of the plurality of functions being*
25 *scheduled for execution responsive to a queue.*” (Italics added)

None of the limitations shown above in italics are discussed with regard to the rejection of claim 21 under 103(a) in section 14.A of the Final Office Action. However,

these are among some of the features upon which Applicant relies to differentiate the activity scheduler and activity processor from the art cited by the Examiner. The Applicants points out that the Examiner could not have yet made a *prima facie* case of obviousness with regard to this claim without discussing these limitations, and that the
5 rejections of claim 21 and related claims are, therefore, improper. On this basis the Applicants request that the finality of the office action be withdrawn or these claims be allowed.

In addition, claim 21 specifically recites “at least a first of said networked computers comprising an activity processor,...at least a second of said networked
10 computers comprising an activity scheduler...” This text specifies a limitation to the claim regarding two separate networked computers. The Applicants point out that it is not proper for the Examiner to rely on the single central computer of Dworkin for both of these claimed devices, including the activity processor and the activity scheduler, since an equivalent structure is not found in Dworkin. Claim 21 also recites the file server as a
15 separate device. As discussed above, no motivation is provided for dividing the central computer of Dworkin into separate elements.

The Examiner does not attempt to make a *prima facie* argument that the above claim elements are obvious by combining Dworkin with another reference.

The new rejections of claims 21-23, starting on page 10 of the Final Office
20 Action, fail to consider several limitations of the claims, including the activity processor and the activity scheduler. It is the Applicants’ position that without considering the entire claim it is not possible to establish a *prima facie* case of obviousness under 103(a).

Further, since the *prima facie* case for rejection is not made, the finality of the office action should be withdrawn.

Claim 22:

Claim 22 is dependent on claim 21 and, therefore, is believed to be in condition
5 for allowance for the same reasons as discussed above in regard to claim 21.

Claim 23:

Claim 23 is dependent on claim 21 and, therefore, is believed to be in condition
for allowance for the same reasons as discussed above in regard to claim 21.

Claim 24:

10 Claim 24 is dependent on claim 21 and, therefore, is believed to be in condition
for allowance for the same reasons as discussed above in regard to claim 21.

As discussed above, the Applicants request that the Examiner further specify how the cited text (Dworkin col. 5 line 55 to col. 6 line 68) reads on “modifying the *operation* of said system to *globally* conform to the answers to said questions.”

15 Claim 24 was believed to be grammatically correct. However, the Applicant has amended claim 24 to address the Examiner’s concerns as expressed on page 4 of the Final Office Action.

Claim 25:

Claim 25 is currently amended to further specify “a new product” and to correct a
20 grammatical error. As definition of a product new to the system (or to a user) are not suggested in the cited prior art, the Applicants believe that these modifications place these claims in condition for allowance. Modifications of this sort were suggested by the Examiner on page 29 of the Final Office Action and the Applicants thank the Examiner for the suggestion.

25 Claim 27:

The Applicants believe that claim 27 is in condition for allowance. As discussed above, the Applicants request that the Examiner further specify how the cited text (Dworkin col. 5 line 55 to col. 6 line 68) reads on “modifying the *operation* of said system to *globally* conform to the answers to said questions.”

5 Claim 28:

The Applicants arguments made above with respect to claim 20 apply as well to claim 28, and are incorporated herein by reference. The Applicants, therefore, believe that claim 28 is in condition for allowance.

Furthermore, in the Final Office Action the Examiner states that Dworkin’s
10 terminal could be in different locations and suggests that this reads on the various “distributed” operations recited in claim 28 (page 16). The Applicants respectively point out that in the arts of computer science the term “distributed” has well known meaning with respect to performing functions. In particular, distributed performance of functions indicates that execution of the functions occurs at several distributed processors. It is
15 further well known in the art that a central computer/terminal architecture, such as that of Dworkin, is the antithesis of distributed processing. The Examiner is generally referred to the journal Distributed Computing for further information about distributed computing.

Specifically, Claim 28 recites “performing data reconciliation functions, the performance distributed throughout said plurality of interconnected computers.” The
20 Applicants point out that the (commonly referred to) dumb terminals of Dworkin are not configured to perform advanced processing much less data reconciliation functions. This same argument applies to other “distributed” limitations of claim 28. See specifically, lines 6-7 and 14-15 of claim 28. The Applicants point out that a *prima facie* case for a 103(a) rejection of claim 28 cannot be made without addressing individually each of

these limitations, and specifically point out supporting material in the cited references and motivation to combine this particular material.

The Applicants believe that a *prima facie* case for a 103(a) rejection of claim 28 had yet to be made and that the claim is in condition for allowance.

5

Applicants believe that all pending claims are allowable and respectfully request that the Examiner issue a Notice of Allowance. Should the Examiner have questions, the Applicants' undersigned attorney may be reached at the number provided.

As per our telephone conversation of August 21, 2003, the Applicants' undersigned attorney looks forward to discussing the points raised herein with the Examiner by telephone.

Respectfully submitted,

Gerald Peters et al.

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